# Further and Higher Education (Scotland) Act 1992

**CHAPTER 37**

FURTHER AND HIGHER EDUCATION (SCOTLAND) ACT 1992

**PART I**

FURTHER EDUCATION

**CHAPTER I**

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SCHEDULES

SCHEDULE 1 — The Scottish Further Education Funding Council

*Status*

1 The Funding Council shall not— (a) be regarded as the...

*Tenure of office*

2 (1) The Funding Council shall consist of not less than...

*House of Commons disqualification*

3 In Part III of Schedule I to the House of...

*Property and contracts*

4 Subject to paragraphs 5 and 6 below, the Funding Council...
5 The Funding Council shall not borrow money from any source,...
6 (1) The Funding Council shall not dispose of any property...

*Execution of documents*

7 (1) For any purpose other than those mentioned in sub-paragraph...

*Reports and accounts*

8 The Funding Council shall make such reports or returns and...
9 (1) It shall be the duty of the Funding Council—...

*Additional provisions*

10 An order made under section 7 of this Act may...
11 Employment with the Council shall be included among the kinds...

SCHEDULE 2 — Constitution and proceedings of boards of management

*Status*

1 A board of management (in this Schedule referred to as...

*Membership*

2 The board shall consist of not less than ten nor...
3 (1) Subject to paragraph 4 below, this paragraph shall have...
4 (1) This paragraph shall have effect as regards the membership...

*Qualifications and tenure of office*

5 (1) Subject to this paragraph and paragraphs 6 to 10...
6 (1) A person shall not be eligible for appointment as...
7 (1) A person is not eligible for appointment as a...
8 If at any time the board are satisfied that any...

9 If at any time the board are satisfied that any...
10 (1) Any casual vacancy among the members of the board...

*Proceedings*

11 (1) Subject to paragraphs 12 to 14 below, the board...

*Chairman*

12 (1) The board shall appoint one of their members, not...

*Committees*

13 (1) The board may establish committees for any purpose and...

*Conflict of interest*

14 (1) Subject to sub-paragraph (4) below, where, whether before or...

*Confidentiality of information*

15 Any information which is received or obtained by any person...

*Staff*

16 Subject to section 15 of this Act, the board may...
17 (1) The board may, in the case of such of...

*Accounts*

18 (1) It shall be the duty of the board to...
19 The accounts of the board shall be open to the...

*Execution of documents*

20 (1) For any purpose other than those mentioned in sub-paragraph...

*Provision of services*

21 The Local Authorities (Goods and Services) Act 1970 (supply of...

SCHEDULE 3 — Transfer and apportionment of property

*Identification of land, other property, rights, liabilities and obligations*

1 (1) In respect of each college of further education prescribed...
2 (1) The land, other property, rights, liabilities and obligations mentioned...

*Status of agreements etc. under paragraph 1*

3 (1) An agreement made under paragraph 1 above or any...

*Resolution of disputes*

4 (1) Where it appears to an education authority or a...

*Right to production of documents of title*

5 (1) Where any land or other property is, or rights,...

*Third parties affected by vesting*

6 (1) Any transfer of land or other property, rights, liabilities...

*Failure to agree or to apply to Secretary of State under paragraph 4 above*

7 Where the education authority and the college council have failed...

SCHEDULE 4 — Commissioners for further education assets

*Appointment and tenure*

1 The appointment of a commissioner for further education assets (in...
2 Subject to paragraphs 4 and 5 below, the commissioner's appointment...
3 The Secretary of State shall pay to the commissioner such...
4 The commissioner may resign his office at any time by...
5 The Secretary of State may, if it appears to him...

*Functions*

6 The commissioner may, with the prior consent, given in writing,...
7 The commissioner shall comply with any directions given to him...
8 The commissioner shall not delegate any of his functions.

*Status*

9 The commissioner shall not be regarded as a servant or...

SCHEDULE 5 — Transitional provisions for college councils

*Contracts of employment*

1 (1) The college council shall have power to enter into...

*Information*

2 (1) The education authority shall provide the college council with...

*Payment of grants by Secretary of State*

3 (1) The Secretary of State may make grants to a...

*Directions*

4 (1) The Secretary of State may give college councils directions...

*Allowances*

5 College councils may pay to their members in respect of...

*College development plans*

6 Regulation 13(1)(a) of The College Councils (Scotland) (No. 2) Regulations...

*Accounts*

7 (1) It shall be the duty of the college council...

*Continuity of exercise of functions*

8 (1) Any relevant thing done by or in relation to...

*Establishment of students' associations*

9 (1) Where, at the beginning of the transitional period, there...

*Status*

10 The college council shall not— (a) be regarded as the...

SCHEDULE 6 — Transitional composition of college councils

*Membership of college councils*

1 (1) Subject to sub-paragraph (2) below, during the transitional period,...

*Terms of appointment*

2 (1) Subject to the following provisions of this Schedule, a...

*Eligibility for appointment*

3 (1) A person shall not be eligible for appointment to...

*Disqualification from appointment*

4 If at any time the college council are satisfied that...
5 If at any time the college council are satisfied that...

*Casual vacancy*

6 (1) Any casual vacancy among the members of a council...

SCHEDULE 7 — The Scottish Higher Education Funding Council

*Supplementary powers*

1 (1) Subject to sub-paragraph (2) below, the Council may do...

*Chief officer*

2 (1) One of the members of the Council shall be...

*Tenure of members of the Council*

3 (1) A person shall hold and vacate office as a...
4 If the Secretary of State is satisfied that a member...

*Salaries, allowances and pensions for members*

5 (1) The Council— (a) shall pay to their members such...

*House of Commons disqualification*

6 In Part III of Schedule 1 to the House of...

*Staff*

7 (1) The Council may appoint such employees as they think...

*Committees*

8 (1) The Council may establish a committee for any purpose....

*Delegation of functions*

9 The Council may authorise the chairman, the chief officer or...

*Proceedings*

10 Without prejudice to any other rights the Secretary of State...
11 The validity of any proceedings of the Council or of...
12 Subject to the preceding provisions of this Schedule, the Council...

*Execution of documents*

13 (1) For any purpose other than those mentioned in sub-paragraph...

*Accounts*

14 (1) It shall be the duty of the Council—

*Status of the Council*

15 The Council shall not— (a) be regarded as the servants...

SCHEDULE 8 — Transitional, consequential and saving provisions
Part I — PROVISIONS RELATING TO PART I OF THIS ACT

*Supply of services*

1 (1) Where, in relation to any college of further education—...

*Appointment of staff by education authority*

2 Without prejudice to section 30 of this Act, with effect...

*General*

3 (1) The Secretary of State may by order make such...
Part II — PROVISIONS RELATING TO PART II OF THIS ACT

*Saving for regulations under section 77 of the 1980 Act*

4 (1) Subject to sub-paragraph (2) below, the repeal by section...

SCHEDULE 9 — Miscellaneous and consequential amendments

*Teaching Council (Scotland) Act 1965 (c. 19)*

1 (1) The Teaching Council (Scotland) Act 1965 shall be amended...

*Veterinary Surgeons Act 1966 (c. 36)*

2 In Schedule 3 to the Veterinary Surgeons Act 1966 (exemptions...

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

3 In subsection (2) of section 8 of the Chronically Sick...

*Sex Discrimination Act 1975 (c. 65)*

4 (1) The Sex Discrimination Act 1975 shall be amended as...

*Race Relations Act 1976 (c. 74)*

5 (1) The Race Relations Act 1976 shall be amended as...

*Employment Protection (Consolidation) Act 1978 (c. 44)*

6 In section 29 of the Employment Protection (Consolidation) Act 1978...

*Education (Scotland) Act 1980 (c. 44)*

7 (1) The Education (Scotland) Act 1980 shall be amended as...

*Education (Fees and Awards) Act 1983 (c. 40)*

8 (1) Section 1 of the Education (Fees and Awards) Act...

*Mental Health (Scotland) Act 1984 (c. 36)*

9 In section 11(1) of the Mental Health (Scotland) Act 1984...

*Education Reform Act 1988 (c. 40)*

10 In section 235 of the Education Reform Act 1988 (general...

*Self-Governing Schools etc. (Scotland) Act 1989 (c. 39)*

11 In section 70 of the Self-Governing Schools etc. (Scotland) Act...

*Education (Student Loans) Act 1990 (c. 6)*

12 (1) The Education (Student Loans) Act 1990 shall be amended...

*Environmental Protection Act 1990 (c. 43)*

13 In section 98 of the Environmental Protection Act 1990 (definitions)...

SCHEDULE 10 — Repeals

**Status:**
Point in time view as at 16/05/1992.

**Changes to legislation:**
There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 1992.